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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/676,534
Applicants : Mohamed K. Diab et al.
Filed : September 30, 2003
TC/A.U. : 3736
Examiner : Eric F. Winakur

Title : SIGNAL PROCESSING
APPARATUS

Docket No. : MASIMO.7CP1C11
Customer No. : 20,995

Confirmation No. : 8330

Certificate Of Mailing

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on

December 14, 2005

(Date)

John M. Grover, Reg. No. 42,610

Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

PETITION TO EXPUNGE UNDER 37 CFR § 1.59 AND MPEP § 724.05(I)

Sir:

Applicants have filed herewith an Information Disclosure Statement under MPEP § 724.02 including references subject to a protective order in consolidated Case No. 2:00-CV-6506 MRP (AJWx) from the U.S. District Court of Central District of California. In accordance with § 724.05(I), Applicants make the following requests and assertions.

(A) The Applicants request that the references cited in the attached PTO/SB/08 equivalent be expunged without disclosure of the details thereof.

(B) The Applicants assert that to the best of their information and belief, the references are subject to a protective order and the information contained therein has not been otherwise made public.

(C) The Applicants will retain the references for the period of any patent with regard to which such information is submitted.

(D) This petition is being submitted by, or on behalf of, Masimo Corporation, who is the party in interest who originally submitted the information.

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Petition to Expunge

Enclosed herewith is the fee set forth in 37 CFR § 1.17(l) for a petition under 37 CFR § 1.59(b). Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 14, 2005

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